LAW SECRETARIAT

Supersession of the Gubbi Town Municipal Council for a period of two years.

READ—

Letter No. A6. C. 2930—38-39, dated 1st—5th April 1939, from the Deputy Commissioner, Tumkur District, submitting a report on the working of the Gubbi Town Municipality and recommending, in the circumstances stated, that it may be superseded for a period of two years.

ORDER No. L. 3529-32—ML. 106-39-1, DATED BANGALORE, THE 3RD OCTOBER 1939.

The Deputy Commissioner, Tumkur District, reports that for some year past the Town Municipal Council of Gubbi has not been functioning properly on account of the bitter party feelings existing among the members of the Municipal Council and their lack of co-operation with the *Ex-officio* President in Municipal administration and recommends, under Section 202 of the Town Municipalities Act of 1933, that the Town Municipal Council, Gubbi, may be superseded for a period of two years.

2. The financial position of the Municipality is unsatisfactory and in spite of instructions issued, the Municipal Council has made default in appointing a special Revenue Inspector for the purposes of improving the collections.

3. It is reported that it has been found very difficult to conduct the meeting of the Municipal Council owing to disorder and the loud and irresponsible speeches that are made at such meetings. The Municipal Council is, therefore, not competent to perform its duties.

4. Under Section 23 (10) of the Mysore Town Municipalities Act, 1933, it is only a President other than a salaried servant of Government who can be deemed to have vacated his office, if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of the Councillors present at a special meeting convened for the purpose. In the absence of the Official President on casual leave, the followers of Mr. Chennappa, Vice-President of the Municipal Council, held a special meeting of the Council on 8th February 193', and recorded a resolution expressing want of confidence in the President. The attendance at that meeting was only ten members against a strength of 21 members in the Council. This is clearly an abuse of the powers of the Municipal Council.

5. In the above circumstances, the Deputy Commissioner recommends that the Municipal Council may be superseded for some time.

6. After a careful consideration of all the facts of the case, Government agree with the Deputy Commissioner that the Municipal Council has failed to place public interests above party feelings and has shown itself to be incompetent to discharge the responsible duties entrusted to it under the Statute. Accordingly, by virtue of powers vested in them under Section 202 of the Town Municipalities Act, Government hereby direct that the Gubbi Town Municipal Council be superseded for a period of two years from the date of publication of this order in the Gazette. The powers and duties of the Municipal Council will, during the period of supersession be exercised by the Amildar, Gubbi Taluk, assisted by a Chief Officer to be appointed for the purpose.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

Allotment of Funds from the Road Funds for expenditure in respect of District Fund Roads.

READ—

Paras 26, 28, 29 and 30 of the report of the Committee appointed to examine the finances of District Boards.

2. Correspondence ending with unofficial note No. 69, dated 29th July 1939, from the Chief Engineer of Mysore, furnishing his views in the matter.

ORDER NO. T. 1028-50—R. T. 34-39-1, DATED BANGALORE, THE 25—26TH SEPTEMBER 1939.

The recommendations of the Committee on the subjects dealt with in the paras of their report referred to in the preamble are that :—

(1) the collection charges of 10 per cent levied in respect of the compensation for loss of toll paid to the District Boards under Section 32 (i) of the Mysore Road Traffic and Taxes Act may be waived ;

(2) the collection charges of 15 per cent in respect of the mileage cess on motor buses paid to District Boards may be reduced to 5 per cent, if they cannot be waived altogether ;

(3) the surplus of the revenue from motor traffic may be apportioned between the State and District Board roads in the proportion of 3 : 1 in the case of Bangalore and Mysore Districts and 2 : 1 in the remaining Districts, subject to certain conditions ; and

(4) the establishment, tools and plant charges may not be levied in respect of the Road Fund Grants to District Boards, the works on which the amount is expended being treated as contribution works.

2. Government have already passed orders directing that the collection charges levied in the case of compensation payable to District Boards for loss of toll revenue be waived altogether and that similar charges levied at 15 per cent in respect of other items be also reduced to 10 per cent tentatively for a period of two years for the present. (*Vide* G. O. No. T. 2991-3011 - R. T. 52-38-5, dated 10th March 1939.)

3. As regards the apportionment of surplus revenue from motor traffic, the Committee estimate that the Road Traffic and Taxes Act has brought in a surplus revenue of Rs. 3·00 lakhs as compared with the realisations from the same source during the period prior to the introduction of the said Act. It cannot be said with any certainty that the same amount would be realised in the years to come. The budget estimates for the current financial year disclose that such revenue would be only about 1·86 lakhs. The reduction of collection charges levied on the amount of compensation payable to Local Authorities with the resultant increase in the amount of compensation, the increase in the charges on account of administration and collection of taxes and the concessions recently sanctioned by Government in their Order No. L. 2204-23 - Ml. 50-38-27, dated 28th August 1939, exempting the town and minor municipal councils in the State from payment of contribution towards annual maintenance, including tar, of State Fund roads lying within their limits and directing the State Fund and the District Board roads passing through towns and villages being maintained by the Public Works Department without levying any contribution either from the Municipal Councils or the District Boards for their maintenance, have contributed to further lessening the surplus revenue from motor taxes. The amount available under the Road Fund has been found insufficient for meeting the demands of State Fund Roads. After careful consideration of all aspects of the question, Government direct that an expenditure of Rs. 50,000 per annum out of Road Fund be permitted to be incurred in respect of District Fund Roads for a period of three years for the present, subject to the following conditions :—

(i) 25 per cent of the above grant will be set apart for capital expenditure and the amount kept with Government ;

(ii) the remaining amount will be distributed among the several District Boards in the proportion of the expenditure which they incur annually on the roads within their respective charges, and

(iii) the amount thus allotted to the District Boards will be spent on repairs to the main arterial roads, the utilisation of such amount on minor roads being permitted only with the sanction of Government.

4. With regard to waiving of establishment, tools and plant charges, Government are pleased to direct that the levy be waived only in respect of capital works financed out of the 25 per cent reserve with the Government. The charges will be levied, as usual, on other maintenance works undertaken by the Public Works Department on behalf of District Boards.

C. SUBRAHMANYA AIYAR,
Secretary to Government.